

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,) Docket No. 3:06-CR-719
Plaintiffs,) Toledo, Ohio
v.) April 9, 2008
MOHAMMED AMAWI, ET AL.,)
Defendants.)

TRANSCRIPT OF JURY TRIAL, VOLUME 25
BEFORE THE HONORABLE JAMES G. CARR
UNITED STATES DISTRICT JUDGE

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Proceedings recorded by mechanical stenography, transcript
produced by notereading.

1 BY MR. SOFER:

2 Q. Okay. Mr. Griffin, during that rather long clip,
3 do you recall what Mohammed Amawi was doing during that
4 time?

5 A. He was adding CDs, trying to get together the
6 training and things that he wanted to participate in in the
7 future.

8 Q. Was he giving you other kinds of material as
9 well?

10 A. Yes, things that Mujahideen and other people were
11 doing overseas.

12 Q. If we can play 19A, please.

13 THE COURT: This is a continuation, the same?

14 MR. SOFER: Same one, Judge.

15 BY MR. SOFER:

16 Q. Mr. Griffin, this was a rather long evening, was
17 it not?

18 A. Yes, it was.

19 Q. Do you know whether it went into the early
20 morning hours of January 11th?

21 A. Yes, about 2:00 in the morning.

22 (Audio playing.)

23 MR. SOFER: I think we're going to try to turn
24 the volume up a little bit, Judge.

25 (Audio playing.)

1 Q. Okay. Mr. Griffin, I'm going to show you what's
2 been marked Government's Exhibit Number 39 for
3 identification. Tell us if you recognize that.

4 A. It is a CD.

5 Q. Do you recall what is on that CD?

6 A. The assassination of the president of Egypt Anwar
7 Sadat.

8 Q. And is that what was being referred to in the
9 last clip?

10 A. Yes.

11 Q. Do you have an independent recollection of
12 watching all or part of that video on the evening of
13 January 10th going into the morning hours of
14 January 11th of 2005?

15 A. Yes, I do.

16 MR. SOFER: At this time the government offers 39
17 into evidence?

18 MR. BOSS: Judge, we have an objection on
19 relevance ground. This is a 1981 videotape. The relevance
20 to this matter is.

21 THE COURT: I don't -- I prefer that we do this
22 at side bar.

23 MR. BOSS: I have no further objection.

24 THE COURT: I prefer that we have any objection
25 at side bar.

(A side bar conference was had on the record.)

3 MR. BOSS: Your Honor, I do recognize -- Your
4 Honor, I do recognize that the two parties, Mr. Amawi and
5 Mr. Griffin watched this video during the course of the
6 conversation that we just heard played. But to play it now
7 for the jury, a 1981 assassination of a political figure
8 unrelated to this alleged conspiracy, time, place or
9 otherwise is irrelevant and I think simply inflammatory and
10 we would object.

11 MR. BRYAN: I would on a different basis. I want
12 to correct Mr. Boss. I don't believe that they watched
13 this videotape. They reference this videotape and they
14 downloaded it, but based upon my listening of the tape,
15 this doesn't sound like they watched the videotape.

16 MR. SOFER: I can't testify what they watched and
17 what they didn't. I think what's happening here is he's
18 showing him various different videos maybe a particular
19 clip to it or not. Two things, one, you know, I object to
20 the fact that Mr. Boss says this in front of the jury and I
21 could have responded and I didn't.

22 THE COURT: Please don't -- just say objection,
23 okay. I really don't want anything on the -- I want
24 objections, if at all possible, called to my attention the
25 afternoon beforehand so we don't have these interruptions.

1 For example, now we have to ask Mr. Griffin perhaps outside
2 the hearing of the jury whether the fact that this was
3 seen. Do you know whether it was played? Doesn't sound
4 like it.

5 MR. SOFER: I don't. Not from the tape. This is
6 what we'll do. I'm willing to skip over this one for now
7 and we can come back to it. My problem, I just want to
8 put -- what Your Honor said I think is true. Defense has
9 had these tapes and these videos for some time. If they
10 have objections to this, we're willing to go through it
11 before it goes in front of the jury, but I object to the
12 way that they objected in the middle of the case.

13 THE COURT: They're entitled to do it. It's my
14 instruction to please call it to my attention.

15 MR. BRYAN: Forgive me the last minute of the
16 case.

17 THE COURT: I understand.

18 MR. BRYAN: The evidence is that they didn't view
19 this. That's why we're objecting.

20 MR. SOFER: What Mr. Boss said, go through this
21 in terms of relevance, it's relevant because this is
22 something Mr. Amawi is giving Mr. Griffin. It's relevant.

23 THE COURT: And I agree with you.

24 MR. SOFER: It's relevant. So I can ask him now
25 if -- did you actually watch it or did he just give it.

THE COURT: I think whether he watched it or not doesn't matter. It's relevant regardless.

MR. SOFER: So I can clarify that with him or we can skip over it and we can come back to it if you want.

THE COURT: I'm going to overrule the objection and let you play it.

(Side bar concluded.)

BY MR. SOFER:

Q. Mr. Griffin, for clarification purposes, this particular video of the assassination of Anwar Sadat, do you know if you actually watched this whole video on that particular day?

A. I can't recall if it was on that day, but it was viewed definitely around that time.

Q. And did -- and was this one of the files that Mohammed Amawi was attempting to give to you on one of the CDs?

A. Yes.

Q. At this time we're going to play a portion of government's Exhibit 39. I don't know if Your Honor admitted it or not.

THE COURT: I believe I have.

(Video playing.)

Q. And the record should reflect that that video was 31 seconds long. Mr. Griffin, did the conversation on

1 January 10th into January 11th continue?

2 A. Yes, it did.

3 Q. And we're going to play 20A, please.

4 (Audio playing.)

5 Q. Do you know what Mohammed Amawi was referring to
6 there?

7 A. It was a picture of me while I was in the uniform
8 in the military.

9 Q. And did you know he had it?

10 A. I did not.

11 (Audio playing.)

12 Q. Okay. Now, at one point in that conversation
13 there was a discussion of someone who had been returned
14 after an operation?

15 A. Yes.

16 Q. I want to show you what we marked government's
17 Exhibit Number 41 and 42, and ask if you recognize 41 and
18 42.

19 A. They are CDs.

20 Q. And do you know what's depicted on 41 and 42?

21 A. On 41, this is a night vision picture of a guy
22 that I believe blows himself up, and 42 is what Mr. Amawi
23 was explaining, this is afterwards where he's dead but he's
24 smiling.

25 Q. And do you have an independent recollection of

1 looking at these photographs sometime on January 10th or
2 January 11th of 2005 with Mohammed Amawi?

3 A. Yes, I do.

4 MR. SOFER: At this time, Your Honor, the
5 government offers 41 and 42 into evidence?

6 THE COURT: It will be admitted.

7 MR. SOFER: I will publish those to the jury via
8 the computer.

9 (Video playing.)

10 Q. And the record should reflect we're showing
11 Government Exhibit Number 41 at this time.

12 (video playing.)

13 Q. And the record should reflect that we're showing
14 Government Exhibit Number 42 at this time. Okay
15 Mr. Griffin, did the conversation on January 10th into the
16 early morning hours of January 11th continue even more?

17 A. Yes.

18 Q. We're going to play 21A.

19 (Audio playing.)

20 BY MR. SOFER:

21 Q. Judge, I ask that we start it over again and they
22 can turn their ear phones over a little bit.

23 (Audio playing.)

24 Q. Mr. Griffin, did the conversation continue
25 further?

1 A. Yes, it did.

2 Q. I'm going to play 22A.

3 (Audio playing.)

4 Q. Okay. Did the conversation continue?

5 A. Yes.

6 Q. We'll play 23A.

7 (Audio playing.)

8 Q. Okay. Did the conversation continue?

9 A. Yes, it did.

10 Q. And I'm going to play 24A.

11 (Audio playing.)

12 Q. Okay. And finally, Mr. Griffin, did the

13 conversation continue a little further?

14 A. Yes, it did.

15 Q. And we're going to play 25A.

16 (Audio playing.)

17 Q. Okay. Mr. Griffin, I want to show you what's

18 been marked government's Exhibit Number 46 for

19 identification. Tell the members of the jury if you

20 recognize that.

21 A. It is a CD.

22 THE COURT: May I interrupt. Are you done with

23 the playing -- does that complete the audio?

24 MR. SOFER: That completes this day, Your Honor.

25 THE COURT: Why don't we take our break and we'll

1 go from there. Okay. We'll go from there. See you in 15
2 minutes.

3 (A side bar conference was had on the
4 record.)

5 THE COURT: I would -- rather than having him
6 say -- I would rather have him -- rather than having him
7 say this is what was on the record and give some sort of
8 summary or whatever, that you simply say, ask him is this
9 what you viewed during the -- are these the various video
10 claims that you viewed in your conversation, period end of
11 discussion.

12 MR. SOFER: As opposed to?

13 THE COURT: This is Sadad's assassination, this
14 is crusaders or whatever, because I think that's all going
15 to be apparent.

16 MR. SOFER: Okay that's fine. I'm just trying to
17 make it so sometimes there's like five or six at a time.

18 THE COURT: We've heard the whole segment. And
19 Mr. Griffin, is this what you viewed or was given,
20 whichever it is during that period, yes, period. Move on,
21 rather than have him --

22 MR. SOFER: Okay. Again, I think, Judge, most of
23 the time, you're probably right about that. Some of the
24 time just have the jury -- we played 15 minutes and just so
25 you know this is one of the longer and more tedious ones.

1 THE COURT: I would ask you then to simply say is
2 this the video showing X that you viewed, lead him that
3 way. I'd rather have you do that. I'd rather not have any
4 elaboration, but if you think it's necessary is this the --
5 just let him say yes or no.

6 MR. SOFER: I can lead him, I've been trying
7 to --

8 THE COURT: Time out, counsel.

9 MR. HARTMAN: I would like to make a formal
10 request that the unredacted 302s and Jencks material be
11 held by The Court, sealed in the event of an appeal.

12 THE COURT: Oh.

13 MR. HARTMAN: The material that was redacted that
14 we received from the government.

15 THE COURT: I think that already is.

16 MR. SOFER: Yes.

17 MR. HARTMAN: Just wanted to make the formal
18 request.

19 MR. IVEY: Thank you. I just want to follow up
20 on the last time we were in front of The Court and when we
21 had had the relevance objection. And it was indicated by
22 The Court that we should say and also I believe Mr. Sofer
23 to let you know ahead of time.

24 THE COURT: Time out. What I would like to do is
25 at the end of each day when the jury's been excused if

1 anybody anticipates in advance, you know you're going to
2 object to a particular piece of evidence, let's take care
3 of it then. That's all I'm saying. Obviously, if
4 something comes up, you know, sort of sit there, let it
5 come in, by the way, at 10:30 this morning you let so and
6 so happen, I object time.

7 MR. IVEY: The point I was trying to make was up
8 to that point. I've had numerous feelings that a lot of
9 videos or things that were played were irrelevant, but I
10 haven't made objections because when I first made my first
11 one the first day of evidence, The Court indicted not to
12 interrupt, that my objection will be continued. So I don't
13 want my lack of making objections to be viewed by the Court
14 of Appeals that I waived something. I just want the record
15 to be clear I'm not interrupting Mr. Sofer because The
16 Court assured me that my objection is continued. So if we
17 raise this on appeal as something irrelevant --

18 THE COURT: It is my understanding that all
19 defendants objected to playing of any of the videos on
20 relevance grounds. I believe I've either expressed an
21 opinion overruling that either orally or in writing, I
22 can't remember which. I think it was in writing, but I do
23 think that these are relevant. They were -- to the extent
24 they were either viewed or given to Mr. Griffin by any of
25 the defendants is simply irrelevant. I think they show --

1 they're relevant -- they are relevant on the issue of
2 intent, which is obviously an element that the government
3 has to prove as to each of its charges, and also under Rule
4 404 B, I think that they are relevant. Under rule 404 B on
5 that issue so that in terms of standing up and objecting as
6 to each video, I think it's not at all necessary -- it's
7 not at all necessary because among other things, I think it
8 would create in the jury's mind that somehow, you know,
9 we're trying to sweep all this stuff under the rug. And I
10 think they might even find it irritating that you keep
11 bobbing up and down and I keep saying the same thing. My
12 point simply is, as there was this morning, there's an
13 occasion for specific objections to some segment portion by
14 all means raise it. All I'm saying is it's my strong
15 preference so that we don't disrupt proceedings to put the
16 jury on the shelf, take care of it in the afternoon.

17 MR. IVEY: And I want to respect The Court's
18 ruling and I agree. I'm actually speaking to the
19 sixth circuit. I don't want them to say Mr. Ivey, you
20 didn't jump up, so you waive that, and I want to clear
21 that's the reason I'm not doing it.

22 THE COURT: I want the folks down in the
23 Sixth Circuit absolutely not. You have made your
24 objections. I've ruled on the objections and it's simply
25 for matter of convenience for The Court, the smooth flow of

1 the proceedings and also to avoid any risk of projectional
2 prejudice because you're up and down and up and down and
3 I'm sort of slapping you down every time, hopefully
4 politely but even though -- the objection has been
5 preserved and it need not be renewed in a metronomic kind
6 of fashion.

7 MR. SOFER: Just one other point -- one other --
8 one other point for the record I just want to make in terms
9 of relevance, there are other reasons why the government
10 believes that these particular videos are relevant in
11 addition to intent, in addition to 404 B. The extent to
12 which the defendant possessed these exact same materials at
13 a later date corroborates the authenticity of the tapes,
14 and they will also, I think, be relevant if he simply
15 possessed them but under the circumstances that relevance
16 is much more heightened as a result of the way in which he
17 possessed them and the way in which he displayed, gave or
18 allowed access to these materials by the government's
19 cooperating witness.

20 THE COURT: I've made my ruling.

21 MR. IVEY: I'm not going to argue about it.
22 We'll do that at the appropriate time.

23 (A brief recess was taken.)

24 THE COURT: You may be seated. And Mr. Sofer, do
25 you expect that Mr. Griffin will be testifying at all? If

1 not, does he need to sit on the stand -- we're about to
2 watch a video; is that correct?

3 MR. SOFER: Yes, Judge.

4 THE COURT: Do you expect Tim to be asked to
5 testify during -- are you going to be interrupting the
6 viewing of the video to ask further questions?

7 MR. SOFER: No, but the video won't take very
8 long. It's like the ones we've been watching. It's short.
9 It's not like the one from yesterday.

10 THE COURT: Okay. Fine. Very good.

11 MR. SOFER: I think when we broke, I'd asked you
12 whether you recognized what is depicted in Government's
13 Exhibit Number 46 for identification?

14 A. Yes.

15 Q. Without telling us what that is, is that a
16 depiction of shooting down of a helicopter that was
17 described in the previous clip that we heard?

18 A. Yes, it was.

19 Q. And at this time the government -- do you have an
20 independent recollection of watching some or all of that
21 particular video?

22 A. Yes, I do.

23 MR. SOFER: And at this time, Your Honor, the
24 government offers 46 into evidence.

25 THE COURT: Okay. It will be admitted.

1 Q. We'll play a portion or all of this.

2 (Video playing.)

3 Q. While we're keying that up, Mr. Griffin,
4 throughout your testimony and throughout the playing of the
5 recordings, you've said nam a lot of times. Can you tell
6 the jury what that meant?

7 A. Yes, it meant yes.

8 Q. In what language, do you know?

9 A. Arabic .

10 (Video playing.)

11 Q. Okay. Mr. Griffin, during your interaction with
12 Mohammed Amawi, were there times when he gave you CDs with
13 these types of materials on them?

14 A. Yes.

15 Q. And for the most part, what did you do with those
16 discs?

17 A. I turned them over to the FBI.

18 Q. And were there times when the FBI turned those
19 discs back over to you?

20 A. Yes.

21 Q. Can you tell the members of the jury among other
22 reasons why that is?

23 A. I had to produce those videos if I was asked
24 about them by Mr. Amawi, also it was part of my identity of
25 being an Islamic extremist, so I had to have that stuff to

1 show.

2 Q. And did Mohammed Amawi ever ask you for some of
3 those discs back?

4 A. Yes.

5 Q. Okay. I want to direct your attention to
6 approximately ten days later on January 20th, 2005. Did
7 you have an opportunity to meet with Mohammed Amawi on that
8 day?

9 A. Yes.

10 THE COURT: I'm sorry, what was the date?

11 MR. SOFER: January 20th, 2005, Your Honor.

12 A. I believe so.

13 Q. And if we can play Exhibit 4-22, 1D16, clip 1A.

14 (Audio playing.)

15 THE COURT: Can you stop for a moment please. Is
16 it possible --

17 MR. SOFER: To add just the audio.

18 THE COURT: Please. If you want to begin again,
19 you can.

20 MR. SOFER: Yeah.

21 (Audio playing.)

22 BY MR. SOFER:

23 Q. Did you engage in some training the next day with
24 Mohammed Amawi?

25 A. Yes, I did.

1 Q. And directing your attention to the next day,
2 January 21st, where did you go with Mohammed Amawi?

3 A. I myself went to Clelands indoor shooting range
4 right outside of Toledo, Ohio.

5 Q. And did there come a time when Mohammed Amawi met
6 you there?

7 A. Yes, he did.

8 Q. Was he the only person that was receiving some
9 kind of training that day?

10 THE COURT: Counsel, I'm going to instruct you
11 not to use that. It's a leading term. Why don't you say
12 who else was there. The jury will disregard that question.

13 Q. Who else was there that you knew?

14 A. Rashid Harrisson and Charles Pinn (phonetic).

15 Q. And --

16 THE COURT: Can you spell that, who was there?

17 A. Rashid Harrison, R-A-S-H-I-D, Harrisson.

18 THE COURT: Okay.

19 BY MR. SOFER:

20 Q. And do you recall whether you took a recording
21 device with you that day?

22 A. I believe I did.

23 Q. Do you know if a recording was actually made on
24 that device?

25 A. I have no way of knowing.

1 Q. What was the purpose of this shooting session?

2 A. Most of it was just to go --

3 MR. HARTMAN: Objection.

4 THE COURT: Sustained. I think he can say what
5 happened and so forth. Again, he cannot testify as to
6 somebody else's intent or purpose.

7 BY MR. SOFER:

8 Q. Did you -- did you instruct the individuals you
9 described about how to shoot?

10 A. No, I did not.

11 Q. Did a number of individuals shoot that day?

12 A. Yes, they did.

13 Q. Was Mohammed Amawi one of them?

14 A. Yes.

15 Q. I want to show you what's been marked
16 Government's Exhibit 47. Do you recognize that?

17 A. Yes, I do.

18 Q. Can you tell the members of the jury what that
19 is?

20 A. It's a Clelands sign-in roster for the shooting
21 range.

22 Q. And on this particular page, do you see any of
23 the names of the individuals who attended the shooting on
24 January 21st, 2005?

25 A. I can identify one.

1 Q. And I don't know if you can try using your John
2 Madden teleprompter. Can you circle the name that you
3 recognize.

4 A. He can just tell us.

5 Q. Why -- we'll abandon the John Madden -- can you
6 tell us whose name you recognize?

7 A. On the third position down, the name Charles
8 Pinn.

9 Q. If we can go to the next page. Take a look at
10 that and tell us whether you recognize any of the names on
11 the second page of Government's Exhibit Number 47 for
12 identification.

13 A. Yes, from the fourth down from the bottom is
14 myself and underneath myself is Mohammed Amawi.

15 Q. At this time -- do these fairly and accurately
16 represent the way the forms look when you saw them back on
17 January 21st?

18 A. Yes.

19 MR. SOFER: At this time the government offers
20 Exhibit Number 47 into evidence.

21 A. Okay.

22 Q. Page one --

23 A. It will be admitted.

24 Q. I want to direct your attention to January 27th,
25 2005, approximately six days later. Did there come a time

1 when you met with Mohammed Amawi in his apartment that day?

2 A. Yes.

3 Q. Do you know if this -- how many devices you
4 brought in this particular day?

5 A. I believe two.

6 Q. And can you tell the members of the jury if those
7 devices, if you know, were capable of recording or what you
8 believe them capable of recording?

9 A. One to record audio and the second to record
10 audio and video.

11 Q. Do you know which of those devices had a longer
12 memory?

13 A. The audio.

14 Q. And if we could play Exhibit 4, I believe it's
15 23. And it's 1D18, I think, by it's clip 1A.

16 (Audio playing.)

17 MR. BOSS: Could we have that reference number
18 again, please.

19 MR. SOFER: Clip 1A of Exhibit 4-23. And it's --
20 it's one D 17 and 18. I believe the first one is from 17.

21 MR. BOSS: Thank you.

22 MR. SOFER: 1D18?

23 MR. BOSS: 1D18.

24 MR. SOFER: Correct.

25 (Audio playing.)

1 Q. Do you recall why it is you asked him why it
2 looks like you started training?

3 A. He had moved a treadmill into his bedroom.

4 Q. Okay.

5 (Audio and video playing.)

6 Q. Did the conversation on January 27th continue?

7 A. Yes.

8 Q. And we'll play clip 2-A from 1D18.

9 (Audio and video playing.)

10 Q. Okay. Did that conversation continue further?

11 A. Yes.

12 Q. And if we can play clip 3-A.

13 (Video and audio playing.)

14 Q. Now, in this particular video, can you tell us
15 why, if you know, why or what we're hearing in the
16 background?

17 A. It is the a chat room on the pal talk, and
18 Mr. Amawi is at least the moderator in one of the rooms.

19 Q. And was he also -- while that chat was going on,
20 was he also able to send other kinds of messages, to your
21 knowledge?

22 A. Yes. He would send and receive I M messages, he
23 would pass I M instant messages back and forth.

24 Q. Okay. Let's continue. One more question. Did
25 Mohammed Amawi have a microphone by his computer?

1 A. Yes, he did.

2 Q. Okay. Okay. Did that conversation continue?

3 A. Yes, it did.

4 Q. If we can play clip 4A, please.

5 (Video and audio playing.) okay. And did
6 the conversation continue further?

7 A. Yes, it did.

8 Q. And from 1D17 and we play clip 7A, please.

9 MR. HARTMAN: This is 17?

10 Q. 17, 1D17.

11 THE COURT: What was the date of that?

12 MR. SOFER: January 27th, 2005.

13 THE COURT: Was that a continuation of the prior
14 session?

15 MR. SOFER: Yes, Judge.

16 THE COURT: Okay it was just.

17 MR. SOFER: That was one D 17 which is Exhibit
18 4-23. All the rest of them were from one D 18, which is
19 Exhibit 4-24. And Mr. Griffin I want to direct your
20 attention to the next day, January 28th, 2005. Did you
21 have an opportunity to meet with Mohammed Amawi on that day
22 as well.

23 A. I believe so.

24 Q. And if we can play from Exhibit 4-25, 1D19, 1A,
25 please. Do you know where you are here, Mr. Griffin,

1 during this time January 28th, 2005?

2 A. I'm at Mohammed Amawi's apartment, his bedroom.

3 (Audio playing.)

4 Q. The video that you were referring to, is that the
5 video that we saw yesterday?

6 A. Yes, the bomb making video.

7 Q. And did the conversation on January 28th
8 continue?

9 A. Yes.

10 Q. And play segment 3A, please.

11 (Audio playing.)

12 Q. Tell the members of jury where you are at this
13 point.

14 A. I believe we are in my vehicle.

15 (Audio playing.)

16 Q. Did that conversation continue on January 28th?

17 A. Yes.

18 Q. Can we play segment 4A, please.

19 (Audio playing.)

20 Q. Okay. Mr. Griffin, I want to direct your
21 attention to two days later, January 30th, 2005. Did you
22 have occasion to meet with Mohammed Amawi in his apartment
23 on that day?

24 A. Yes. Yes.

25 Q. And we're going to Exhibit 4-26, 1D20, segment

1 1A, please.

2 (Audio playing.)

3 Q. Did that conversation continue?

4 A. Yes.

5 Q. We'll play 2A, please.

6 (Audio playing.)

7 Q. Did that conversation continue?

8 A. Yes.

9 Q. If we can play clip 3A, please.

10 (Audio playing.)

11 Q. Mohammed Amawi said I want you to take that and
12 bring it back tomorrow, what was he referring to?

13 A. The bomb vest video.

14 Q. Was it on something that you believe --

15 A. A disc.

16 Q. Did you receive a disc from him on this day?

17 A. I believe so.

18 Q. Continue.

19 (Audio playing.)

20 Q. Okay. You said that you received a disc from
21 Mohammed Amawi on January 30th?

22 A. Yes.

23 Q. What did you do with that disc?

24 A. I turned it over to the FBI.

25 Q. And do you recall if you opened that disc before

1 you gave it to the FBI?

2 A. I did not.

3 Q. Did you alter or add anything to the contents of
4 that disc?

5 A. I did not.

6 Q. Do you recall who you gave the disc to?

7 A. I believe it was either Bill Radcliff or Shannon
8 Coats.

9 Q. And did there come a time when you received this
10 disc and/or others back from the FBI?

11 A. Yes.

12 Q. Did there come a time when you returned one or
13 more of those discs back to Mohammed Amawi?

14 A. Yes.

15 Q. I want to direct your attention to February 2nd
16 of 2005. Did there come a time on that day when you went
17 to Mohammed Amawi's apartment?

18 A. Yes.

19 Q. And do you recall on February 2nd, 2005 who else
20 was present at Mohammed Amawi's apartment?

21 A. Marwan El-Hindi.

22 Q. And had you made arrangements on the -- the
23 previous day for Marwan to be there?

24 A. Yes, I did.

25 Q. Did you talk to Marwan El-Hindi that previous

1 day?

2 MR. HARTMAN: Objection. Objection.

3 THE COURT: Basis?

4 MR. HARTMAN: May we?

5 THE COURT: Sure.

6 (A side bar conference was had on the
7 record.)

8 THE COURT: Basis?

9 MR. HARTMAN: The basis for the objection, number
10 one, Judge, is hearsay.

11 And number two my understanding based on the
12 synopsis -- they're going to --

13 THE COURT: Speak up. You can speak a normal
14 conversational tone. They cannot hear.

15 MR. HARTMAN: That Griffin's going to testify
16 about things that -- that El-Hindi got excited about and
17 he's testifying about things that Amawi proved to on the
18 day before. None of this is recorded. I don't think
19 there's any additional reliability especially in a case
20 where they spent two years recording things up until -- I
21 think it's somewhat akin to you making rulings from the
22 bench that he can't testify about what somebody thought,
23 felt or reacted because they can play with said of tape but
24 here we have the tape so I don't think he should be allowed
25 to do it.

1 MR. SOFER: Let me say three things in response.

2 THE COURT: I disagree. Obviously somebody
3 testified as to conversation without having recorded it,
4 you can bring it out in cross examination that it wasn't
5 recorded. To the extent that this is offered as
6 co-conspirator testimony, whether it's hearsay or not, and
7 I would assume in any event most of this is statements
8 being made rather than for the truth of the matter
9 asserted. It that's correct, I'll give that instruction.

10 MR. SOFER: First of all, I think it could be
11 the co-conspirator statements it can be.

12 THE COURT: I don't think the conspiracy's been
13 established yet.

14 MR. SOFER: And this is part of establishing that
15 conspiracy, Your Honor, the fact that these men planned to
16 meet for a purpose is what this particular conversation is
17 coming.

18 THE COURT: Let me do this, I would prefer that
19 you say instead of asking did you make arrangements for
20 El-Hindi to meet with you there the next day, on the
21 preceding day, did you have occasion to have a conversation
22 with Mr. El-Hindi, what did you say, what did he say as
23 best you can recall, and then the next day who was present,
24 did you have conversation, as best you can recall who said
25 what, who was present.

1 MR. SOFER: Not a problem, Judge, and we're not
2 looking -- this is a very tiny segment.

3 THE COURT: I understand, but I try quite
4 vigorously anybody that testifies about a conversation,
5 where did it occur, who was present, do you recall who said
6 it.

7 MR. BOSS: Mr. Sofer -- would you also please
8 just indicate that it's not a recorded conversation.

9 MR. SOFER: It's not a recorded conversation.

10 MR. BOSS: For the jury.

11 MR. SOFER: Oh, you mean just ask him whether he
12 recorded it?

13 MR. HARTMAN: Just to clarify the objection
14 can -- can they -- can he testify about how El-Hindi felt?

15 THE COURT: No, of course not.

16 MR. SOFER: I'm not going to ask him how he felt.

17 THE COURT: That's why he will say who said what,
18 that way we avoid the length --

19 MR. SOFER: What counsel is doing is reading the
20 summary chart which, by the way, I would note for the
21 record Mr. Griffin has never referred to this.

22 THE COURT: That's fine.

23 (Side bar concluded.)

THE COURT: Okay. You may continue.

25 BY MR. SOFER:

1 Q. The previous day on February 1st did you have a
2 conversation with Marwan El-Hindi?

3 A. Yes, did I.

4 Q. And was that conversation recorded?

5 A. I believe it was.

6 Q. Do you know what was discussed among other
7 things?

8 A. Going to see Mohammed Amawi at his apartment.

9 MR. BOSS: Excuse me. Did -- did the witness say
10 it was recorded or was not?

11 THE COURT: He testified that he believes that it
12 was.

13 MR. BOSS: Thank you.

14 BY MR. SOFER:

15 Q. Now, I want to direct your attention to the next
16 day February 2nd, 2005. Did there come a time --

17 THE COURT: Do you recall what you said and he
18 said, you being -- he being Mr. El-Hindi on it would have
19 been I guess the 1st of February?

20 A. Yes, sir.

21 THE COURT: And what -- what was that, what did
22 you say -- tell us, you know, where did you have this
23 conversation and who was present?

24 A. Basically it was just myself and Mr. El-Hindi,
25 and I believe it was on the phone and we had not talked in

1 a few days, I believe, and it was simply --

2 THE COURT: Who called whom?

3 A. I believe I called him. I don't know if it
4 was -- I don't remember if it was a return call or not, but
5 we had just discussed about getting together, talking about
6 the grants, his vehicle was not properly working or it was
7 sketchy at the time, and he needed to be taken a couple
8 places and I believe we went up to Kinko's copies and I
9 said we also talked about stopping by to see Mohammed Amawi
10 during that conversation.

11 Q. Had Mohammed Amawi approved Marwan El-Hindi to
12 come over to his house?

13 MR. HARTMAN: Objection.

14 THE COURT: Sustained.

15 Q. I want to direct your attention to the next day,
16 February 2nd. Did there come a time when you did meet with
17 Mohammed Amawi at his home?

18 A. Yes.

19 Q. I think you already testified to this, but did
20 someone else -- was someone else there during some or all
21 of that meeting?

22 A. Marwan El-Hindi.

23 Q. I want us to turn -- by the way, do you know if
24 you brought a recording device on that day?

25 A. Yes, I did.

1 Q. And if we can turn to Exhibit Number, I believe
2 it's 1D22, Exhibit 4-28, segment 1A, please.

3 (Video and audio playing.)

4 Q. Okay. Mr. Griffin, did that conversation
5 continue on February 2nd, 2005?

6 A. Yes, it did.

7 Q. And although it's on video, can you tell us where
8 you are?

9 A. We are sitting in Mohammed Amawi's bedroom, at
10 his apartment.

11 Q. I'd like to play 2-A, please.

12 (Audio and video playing.)

13 Q. Can you remind the jury who Rafil was, if you
14 know?

15 A. That was the physician that was friends with
16 Marwan El-Hindi. He had went out to Syracuse, New York in
17 the beginning and had to testify in front of a grand jury.

18 Q. Okay. Let's continue.

19 (Audio and video playing.)

20 Q. Did this conversation continue on February 2nd?

21 A. Yes, it did.

22 Q. And if I can play clip 3A, please.

23 (Video and audio playing.)

24 Q. Okay. Did this conversation continue beyond
25 that?

1 A. Yes, it did.

2 Q. If we could play 5A, please.

3 (Audio and video playing.)

4 Q. And Mr. Griffin, I want to show you what's been
5 marked Government Exhibit Number 54 for identification.

6 Can you tell us if you recognize that?

7 A. Yes, it's a CD.

8 Q. And did that CD contain a video which depicts the
9 same or similar video that was just playing in clip 5-A?

10 A. Yes, one where the compound is seized.

11 Q. You don't have to tell us is it the same or
12 similar to the one that you were watching there?

13 A. Yes.

14 Q. And do you have an independent recollection of
15 watching that along with Marwan El-Hindi and Mohammed Amawi
16 on February 2nd, 2005?

17 A. Yes, I do.

18 MR. SOFER: At this time the government offers 54
19 into evidence.

20 THE COURT: And how long will this take to play?

21 MR. SOFER: I think it's relatively short, maybe
22 four or five minutes, Judge.

23 THE COURT: Would it be a time to break?

24 MR. SOFER: If Your Honor would like to break, it
25 will be a good time for me. I don't want to go to jail.

1 THE COURT: I don't want to interrupt if you have
2 a series of things that you want --

3 MR. SOFER: I think this would be a fine time to
4 stop.

5 THE COURT: Okay.

6 (Video playing.)

7 THE COURT: Okay. We'll break for lunch. Let's
8 plan to resume about 1:15.

9 (A brief recess was taken for lunch.)

10 MR. SOFER: Judge, before the jury comes in, I
11 just wanted to put on the record something about The
12 Court's -- The Court's admonition or instruction to the
13 jury about the transcripts. We request that instead of
14 saying they're the government's interpretation, that
15 instead they be told it's only for their aide or
16 assistance, and more important than that, Judge, is the
17 fact that portions of the transcript, that is the Arabic
18 portions of the transcript are, in fact, evidence of the
19 case, translation.

20 THE COURT: Okay. That's a good point.

21 MR. SOFER: And I'd be very concerned --

22 THE COURT: No, very good point.

23 MR. SOFER: -- about the jury being told that
24 they might misinterpret that.

25 MR. BOSS: Could we also admonish the witness

1 that he's still under oath as time does pass.

2 THE COURT: Okay. Thank you.

3 MR. HARTMAN: Judge, I'm wondering would it be
4 appropriate to tell the jurors that during the defense's
5 case they might present transcript that don't quite say the
6 same thing?

7 (Jury brought back into courtroom.)

8 THE COURT: Ladies and gentlemen, I want to
9 clarify what I -- something I said inadvertently earlier.
10 When you -- when recorded testimony is presented to you in
11 English, it is what you hear in English as English speakers
12 that is the evidence. The transcript is simply an aide to
13 your understanding. And if there's any inconsistency
14 between the transcript and what you hear, what you hear
15 controls. Or if the, in fact, you can't hear what the
16 transcript shows, you must disregard the transcript. As to
17 some of the transcripts, it may be, and I don't know, but
18 it might be that the defense, if it offers evidence, of
19 course it has the right not to, but if it does, that it may
20 offer differing versions. And as I say, when you're back
21 in the jury room it's what you hear that controls. I
22 misspoke, and I think simply, through oversight. The
23 translations where there's a translation from a foreign
24 language, in this case Arabic, the translation with the
25 printed translation that you will have, you will see that

1 is evidence. In other words, that is the evidence.
2 Because obviously whatever is being said or written in
3 Arabic, none of us can understand. So there's a
4 distinction between a foreign language transcription or
5 transcript or translation that is evidence. And something
6 that's been recorded, something that's spoken in English
7 and has been recorded, and you have a transcript of that.
8 The evidence of that -- those spoken words is the English
9 that you hear. Okay.

10 JUROR: I have a question.

11 THE COURT: And Mr. Griffin, you remain under
12 oath.

13 JUROR: Is there any way during the English
14 translation -- translation, is there any way to slow that
15 down? It rolls very fast and it's really hard to read
16 sometimes.

17 THE COURT: I would assume, I'll talk with the
18 lawyers about that at the end of the day. I would assume,
19 though, that because it's synchronized with what's being
20 spoken, and then as I say, were there to do otherwise what
21 I think probably increase the risk that you find yourself
22 depending on what you see and what you hear.

23 JUROR: The English is fine, it's just when
24 they're translating it that it's rolling very very quickly.

25 THE COURT: I understand what you're saying and

1 I'll talk with counsel about that. Thank you for raising
2 that issue. Okay. Mr. Sofer.

3 MR. SOFER: Thank you, Judge. And Mr. Griffin I
4 believe you're still under oath.

5 A. Yes, sir.

6 BY MR. SOFER:

7 Q. I wanted to ask you about the last thing we
8 listened to before the lunch break was a video. Were both
9 Mohammed Amawi and Marwan El-Hindi present during the
10 playing of that video?

11 A. Yes.

12 Q. And when the symbol for Al-Qaeda in Iraq was on
13 the screen, were both Mohammed and Marwan El-Hindi present
14 in the room?

15 A. Yes.

16 Q. Did the conversation on February 2nd, 2005
17 continue?

18 A. Yes.

19 Q. And I'd like us to play section -- or segment 6A
20 from Exhibit Number 4-27.

21 THE COURT: I think it needs to be turned up a
22 bit.

23 (Audio and video playing.)

24 MR. SOFER: Judge, I'm going to ask to replay
25 that one again because at least I was unable to hear the

1 beginning of it.

2 THE COURT: That's fine. Again, this is not
3 being replayed for emphasis, but just so that what's been
4 recorded can be heard.

5 (Video and audio playing.)

6 Q. That Sunnah Center, do you know what Marwan
7 El-Hindi was referring to?

8 A. The mosque on Monroe Street in Toledo, Ohio.

9 Q. Could you play segment 8A, please?

10 (Video and audio playing.)

11 Q. Okay. Mr. Griffin, did the conversation that we
12 just heard, was Marwan El-Hindi present for all of that?

13 A. Yes, he was.

14 Q. And did the conversation on February 2nd
15 continue?

16 A. Yes, it did.

17 Q. Play 9A, please.

18 (Audio and video playing.)

19 Q. When you said we'd be working with C4, what is
20 C4, if you know?

21 A. Plastic explosive.

22 Q. And was Marwan El-Hindi present when you said
23 that?

24 A. Yes.

25 Q. Did the conversation continue on February 2nd?

1 A. Yes.

2 Q. And let's play one 1A, please.

3 (Video and audio playing.)

4 MR. SOFER: And Judge, here both because of the
5 length of it and one of the comments by the jurors I'd just
6 ask permission to play that last little bit again because
7 you'll see how quickly it removed.

8 THE COURT: Just a reminder, when we replay
9 something it's not for emphasis, simply so that the audio
10 can be heard.

11 MR. BOSS: Which one is this?

12 (Audio and video playing.)

13 Q. Okay. And if we can pull up Government's Exhibit
14 50 for identification, please. Do you recognize Government
15 Exhibit number 50?

16 A. Mohammed Amawi.

17 Q. Okay. And does that fairly and accurately
18 represent the way he looked during part of that particular
19 interaction with him on February 2nd, 2005?

20 A. Yes.

21 MR. SOFER: At this time, Your Honor, the
22 government offers Exhibit Number 50 into evidence.

23 THE COURT: It will be admitted.

24 BY MR. SOFER:

25 Q. Did there come a time on February 4th when you

1 met with Mohammed Amawi again?

2 A. Yes.

3 Q. He had a job by then or not?

4 A. Yes.

5 Q. Can you tell the members of the jury if you know
6 where he was working?

7 A. He was working at a travel agency on Secor, I
8 believe, and it's called AZ Travel.

9 Q. Do you know who owned AZ Travel or who ran AZ
10 Travel?

11 A. I believe it to be Ashraf Zaim.

12 THE COURT: How do you spell that just for the
13 jury? Can you spell it, Mr. Sofer?

14 MR. SOFER: It's A-S-H-R-A-F, Z-A-I-M, I believe.

15 THE COURT: Okay.

16 BY MR. SOFER:

17 Q. Did you learn what Mohammed Amawi did at AZ
18 Travel?

19 A. He arranged travel plane tickets back and forth
20 to the Middle East and other places all across the United
21 States, basically four-day flights.

22 Q. Okay. Did you ever meet Mohammed Amawi at AZ
23 Travel?

24 A. Yes.

25 Q. Was there a computer located there?

1 A. Yes.

2 Q. Did he have his own workstation or were there --
3 did he share workstations, can you give us an idea where he
4 worked within the building?

5 THE COURT: He being Mr --

6 Q. Mohammed Amawi?

7 A. There was at least three different workstations
8 there, and he had one that was independent that he always
9 worked on.

10 Q. If we could show Government Exhibit Number 202, I
11 think, A for identification. Can you tell the members of
12 the jury if you recognize 202-A?

13 A. That is AZ Travel.

14 Q. And does it fairly and accurately represent the
15 way AZ Travel looked at or about the time that Mohammed
16 Amawi worked there?

17 A. Yes.

18 MR. SOFER: At this time, the government offers
19 202-A.

20 THE COURT: It will be admitted.

21 MR. SOFER: Go to 202B.

22 BY MR. SOFER:

23 Q. Can you tell us what's depicted in Government's
24 Exhibit 202B for identification?

25 A. That is the inside of AZ Travel.

1 Q. And does that picture fairly and accurately
2 represent basically the way it looked during the time that
3 Mohammed Amawi worked there?

4 A. Yes.

5 MR. SOFER: At this time the government offers
6 202-B.

7 THE COURT: It will be admitted.

8 MR. SOFER: 202-C.

9 BY MR. SOFER:

10 Q. Do you recognize that?

11 A. Yes, it's a picture of the inside of AZ Travel,
12 specifically Mohammed Amawi's workstation.

13 Q. And does it fairly and accurately represent the
14 way that looked basically during the time that Mohammed
15 Amawi worked there and you visited him there?

16 A. Yes.

17 Q. And the government offers 202-C.

18 THE COURT: It will be admitted.

19 MR. SOFER: 202-D, please.

20 BY MR. SOFER:

21 Q. Can you tell the members of the jury if you know
22 what's depicted in 202-D for identification?

23 A. It is another picture of Mohammed Amawi's
24 workstation on the inside of AZ Travel.

25 MR. HARTMAN: Objection.

1 THE COURT: Basis?

2 MR. HARTMAN: Foundation.

3 THE COURT: Well, he said if you know.

4 MR. HARTMAN: Well --

5 THE COURT: Do you want to approach?

6 MR. HARTMAN: I think we should approach, Judge.

7 (A side bar conference was had on the
8 record.)

9 THE COURT: Is there any real dispute about this?

10 MR. HARTMAN: I don't think there's any
11 foundation -- how many times he saw Amawi working there or
12 if he was working.

13 THE COURT: You can ask him.

14 MR. HARTMAN: Or any of those.

15 THE COURT: Ask if he's ever seen him.

16 MR. SOFER: I asked him if he visited him there.

17 THE COURT: Yeah, I think he's laid plenty of
18 foundation and there's no dispute.

19 (Side bar concluded.)

20 THE COURT: The objection's been overruled. Do
21 you want the last question read back? The answer stands.
22 You may continue.

23 MR. SOFER: We'll offer 202-D into evidence.

24 THE COURT: Okay. It will be admitted.

25 BY MR. SOFER:

1 Q. Is this the location that is AZ Travel that you
2 saw Mohammed Amawi on February 4th, 2005?

3 A. Yes.

4 Q. And if we can play -- this is now Exhibit 4-29
5 from 1D23, and it's clip 3-A, I believe.

6 THE COURT: I'm sorry, what Exhibit Number?

7 MR. SOFER: 4-29, 1D23, 3-A, Judge.

8 (Audio playing.)

9 Q. And Mohammed Amawi said brother Wassim and his
10 brother, did you later learn who he was referring to?

11 A. Wassim Masloum and Bilal Masloum.

12 Q. Okay. Continue.

13 (Audio playing.)

14 Q. Mr. Griffin, do you recall whether Amawi was at
15 AZ Travel that day with anyone other than you?

16 A. I cannot recall.

17 Q. Okay. Let's turn to February 6th of 2005. Did
18 there come a time when you met with Mohammed Amawi on that
19 day at his apartment?

20 A. Yes.

21 Q. And if we can turn to Exhibit 4-30, which is
22 1D24. And the first clip is 1A.

23 (Audio playing.)

24 Q. When you referred to the file with the jacket,
25 what were you referring to?

1 A. The bomb vest video.

2 Q. Did that conversation continue?

3 A. Yes, it did.

4 Q. Let's play clip 2A please.

5 (Audio playing.)

6 Q. Is there another person there at this time?

7 A. Yes, there is.

8 Q. And do you know who that person was?

9 A. I believe it to be his spiritual adviser, first

10 name Allah, I'm not sure of his last name.

11 Q. Okay.

12 (Audio playing.)

13 Q. Okay. Did this Allah person, best you recall,

14 was he there when you got there on this day or did he

15 arrive after you?

16 A. I believe he arrived after I was there.

17 Q. And I want to show you what's been marked

18 Government's Exhibit Number 51 for identification.

19 Can you tell the jury if you recognize government

20 number 51 for identification?

21 A. Yes, I do.

22 Q. Tell the members of the jury what that is.

23 A. It is a CD.

24 Q. And does that CD contain all or part of the video

25 with King Fahd when it -- does it contain all or part of

1 the video with King Fahd wearing a cross?

2 A. Yes.

3 Q. To the best of your knowledge, do you have
4 independent recollection of watching a portion of that
5 video at Mohammed's apartment on February 6th of 2005?

6 A. Yes, I do.

7 MR. SOFER: And the government offers 51 into
8 evidence.

9 THE COURT: It will be admitted.

10 Q. I'll play a portion of 51.

11 (Video playing.)

12 Q. And the record should reflect that the government
13 stopped the playing of this exhibit at 28 seconds. Okay.
14 Mr. Griffin, did the conversation on February 6th at
15 Mohammed Amawi's apartment continue?

16 A. Yes, it did.

17 Q. We can play 4A, please.

18 (Audio playing.)

19 Q. Did the fellow named Allah stay for the entire
20 conversation or did he leave before -- before you?

21 A. He did not stay. He left.

22 Q. And can we play, please, segment 5-A.

23 (Audio playing.)

24 Q. Okay. Did the conversation continue?

25 A. Yes, it did.

1 Q. Let's play 6A, please.

2 (Audio playing.)

3 Q. Do you recall, Mr. Griffin, if this was one of
4 the times you were trying to connect your computer to
5 Mohammed Amawi's computer directly?

6 A. Yes.

7 (Audio playing.)

8 Q. We'll stop it here. The times that you were over
9 at Amawi's house, was it unusual for you to eat while you
10 were there?

11 A. It was not unusual.

12 Q. And did you spend sometimes a minute or hours
13 sitting around eating and talking about things other than
14 the tapes that we've been talking about?

15 A. Yes, many hours.

16 JUROR: Is there a way we can get the text a
17 little bigger on this?

18 THE COURT: I don't know.

19 MR. SOFER: I don't really know that I'm --

20 THE COURT: We'll try to find out.

21 MR. SOFER: We'll work on it.

22 JUROR: Thank you, Your Honor.

23 THE COURT: I suppose all the questions we ask
24 you, we should have asked about eyesight. We missed some.
25 Go ahead, Mr. Sofer.

1 MR. SOFER: Let's continue with the tiny writing
2 scrolling across the screen.

3 THE COURT: Is it the next cut?

4 MR. SOFER: No, we're still in the middle of this
5 one, Judge.

6 THE COURT: I'm sorry, the --

7 Q. Let's continue.

8 (Audio playing.)

9 Q. You testify before that Mohammed Amawi had given
10 you discs and there were times when you gave discs back to
11 him. Was this one of those times?

12 A. Yes.

13 (Audio playing.)

14 Q. This brother that he's talking about, is that the
15 individual that just left?

16 A. Yes.

17 Q. And again, you knew his name as?

18 A. Amr.

19 Q. I'm talking about the individual that just left.

20 A. Oh, no, that was the neighbor, I believe, that
21 lived upstairs. His name was Allah.

22 Q. Okay.

23 (Audio playing.)

24 Q. Had you brought the bomb vest video to the
25 attention of the FBI by now?

1 A. Yes.

2 Q. And did you have numerous discussions with them
3 about that particular video?

4 A. Yes.

5 Q. In any of those discussions, did they indicate to
6 you whether they were able to open up the bomb vest video?

7 A. I believe they were not.

8 Q. Let's continue.

9 (Audio playing.)

10 Q. Now, when Mohammed Amawi would go to pray, were
11 there times when you would try to turn the device off?

12 A. Yes. If he went to pray in the front room, there
13 would be no need to turn it off but sometimes I would,
14 depends on how many hours I had spent there. I had a
15 limited time upward of five hours or more he needed to pray
16 or we went to pray.

17 Q. And let's -- did this conversation continue, by
18 the way?

19 A. Yes.

20 Q. And I think we're up to 8A -- 7A, I'm sorry.

21 (Audio playing.)

22 Q. Brother Wassim that Mohammed Amawi's referring
23 to, did you later learn who that was?

24 A. Wassim Masloum.

25 Q. Is that the individual here in the courtroom

1 today?

2 A. Yes, it is.

3 Q. Continue.

4 (Audio playing.)

5 Q. Do you know what that sound is in the background?

6 A. It is the sound of Mohammed Amawi's computer
7 burning CDs.

8 (Audio playing.)

9 Q. And Your Honor, this would be an opportune time
10 to stop if you want to take a mid afternoon break. If not,
11 the next cuts are longer.

12 THE COURT: Okay. Why don't we go for a little
13 bit and break, maybe another 20 minutes or so.

14 MR. SOFER: This next one is almost exactly 20
15 minutes. That works.

16 THE COURT: Thanks, though, I appreciate it.

17 BY MR. SOFER:

18 Q. Did the conversation with Mr. Amawi continue on
19 February 6th?

20 A. Yes, it did.

21 Q. And if we could now play 8A, please.

22 (Audio playing.)

23 MR. SOFER: Okay, Judge, after that rather
24 painful session, I'd recommend we take a short break.

25 THE COURT: Any objection? Hearing none, we'll

1 resume at 3:00.

2 (A brief recess was taken.)

3 MR. SOFER: Judge, there's one issue before we
4 bring the jury in, coming up in not this clip but the very
5 next clip is the first time that there's a gun the
6 government is going to want to introduce. I just want to
7 find out from The Court if you have a particular concern
8 about how we handle the gun here.

9 THE COURT: A real live firearm?

10 MR. SOFER: It's not loaded, but it's been made
11 safe. I believe it's got a tie through the breach of the
12 weapon. I don't know -- I would like -- it actually is a
13 gun that was owned by Darren Griffin, still is owned by
14 Darren Griffin. I'd like to be able to show it to him on
15 the witness stand but I just don't want to walk around with
16 a pistol -- the gun is safe and we've taken steps to make
17 sure it's okay.

18 THE COURT: No problem.

19 (Jury brought back into courtroom.)

20 THE COURT: You may be seated. Ladies and
21 gentlemen, I wanted to let you know that tomorrow we'll be
22 adjourning about 3:00. I think I told you that before, but
23 I have to go to Cleveland for a function that I committed
24 myself to attend several months ago.

25 The lawyers reminded me that have indicated in

1 the past that we will not be sitting on the 17th and 18th
2 of April. That's a week from this Thursday and Friday. I
3 had a conference in Washington with other district Judges.
4 I decided not to go to that conference, so my present plans
5 are to sit those two days, and I would hope that if we're
6 moving along there will be and no delays through the audio,
7 perhaps we can break a little early on Friday. We'll have
8 to wait and see. If that's created a problem for any of
9 you because you anticipated we wouldn't be sitting on any
10 of those days, let Amy know and we'll go from there. And
11 if I hear that there are 18 problems I'm going to suspect
12 that something is going on. That's not what we mean by
13 jury unanimity in the middle of April. Okay. But I hope
14 that I haven't misled any of you. Counsel reminded me that
15 I may have indicated that to you at some point.

16 So Mr. Griffin, you remain under oath.

17 Mr. Sofer, you may continue.

18 BY MR. SOFER:

19 Q. Thank you, Judge. Did the conversation that we
20 were listening to from February 6th, 2005 continue.

21 A. I believe so.

22 Q. And we're going to play 9A.

23 (Audio playing.)

24 Q. Say the vest one, what are you referring to?

25 A. The bomb vest video.

1 (Audio playing.)

2 Q. Okay. And finally, did the conversation continue
3 further on February 6th, 2005?

4 A. Yes.

5 Q. We're going to play 10A, please.

6 (Audio playing.)

7 Q. When Mohammed Amawi's referring to having -- when
8 you asked him you did good with it, what date were you
9 referring to?

10 A. January 21st.

11 Q. And was that the day you testified earlier that
12 you went to Clelands with Mohammed Amawi and others?

13 A. Where Mohammed Amawi met me, yes.

14 Q. Do you know whether he -- you had a gun with you
15 on the 6th of February, correct?

16 A. Yes.

17 Q. I want to show you what's been marked Government
18 Exhibit Number 86, and ask you if you recognize this.

19 A. Yes.

20 Q. Whose gun is that?

21 A. That is mine.

22 Q. And what kind of gun is it?

23 A. It is a Glock 19.

24 Q. Is that one of the guns that Mohammed Amawi
25 trained with on January 21st?

1 A. Yes.

2 MR. HARTMAN: Objection.

3 THE COURT: Basis?

4 MR. HARTMAN: What The Court said earlier about
5 the term.

6 THE COURT: That's right. Yeah, correct.

7 BY MR. SOFER:

8 Q. That's one of the guns you used, okay; is that
9 correct?

10 A. Yes, sir.

11 THE COURT: Jury, disregard the rest about
12 training.

13 BY MR. SOFER:

14 Q. Did you bring that gun to the Clelands Shooting
15 Range on January 21st?

16 A. Yes, I did.

17 Q. And was that the gun that you brought to Mohammed
18 Amawi's house on February 6th, 2005?

19 A. Yes, it was.

20 MR. SOFER: At this time, Your Honor, the
21 government offers Government Exhibit Number 86.

22 THE COURT: It will be admitted.

23 MR. HARTMAN: Judge, I mentioned earlier about my
24 back. I might stand up a little bit.

25 THE COURT: That's no problem. Mr. Hartman has

1 some back problems so if he's up and down and about --

2 MR. HARTMAN: Sorry.

3 BY MR. SOFER:

4 Q. And the Ruger which is being referred to in the
5 conversation on February 6th, do you recall what weapon
6 that is?

7 A. I believe it is the Ruger 22.

8 Q. And where -- is that your gun?

9 A. No, that's not.

10 Q. Whose gun is it, if you know?

11 A. I believe it belongs to Clelands.

12 Q. And was that one of the weapons that was used on
13 January 21st?

14 A. I believe so.

15 Q. Let's continue.

16 (Audio playing.)

17 Q. Tell the jury what you're showing Mohammed Amawi
18 how to do here.

19 A. Basically take the upper receiver from the lower
20 receiver training him on how to take the Glock apart, field
21 stripping.

22 (Audio playing.)

23 Q. Okay. On February 6th, Mr. Griffin, did Mohammed
24 Amawi give you a disc?

25 A. I believe he gave me two CDs that day.

1 Q. Okay. And were those the discs that we heard
2 referred to the recordings?

3 A. Yes.

4 Q. And what did you do with those two discs?

5 A. I turned them over to the FBI.

6 Q. Do you recall seeing what specific files were on
7 these discs before turning them over to the FBI?

8 A. I did not.

9 Q. Do you know when you brought them to the FBI?

10 A. I cannot recall if it was the same night or the
11 next day.

12 Q. Did you do anything to alter the discs' contents
13 in any way before giving the discs to the FBI?

14 A. I did not.

15 Q. And do you recall who you gave them to?

16 A. Shannon Coats or Bill Radcliff.

17 Q. Do you recall whether one or more of the discs
18 had any particular markings on it?

19 A. I believe one was white and had a star on it,
20 written on it.

21 Q. Did there come a time when you got one or more of
22 these discs back from the FBI again?

23 A. Yes.

24 Q. And again can you tell the members of the jury,
25 if you know, why that is?

1 A. To be able to have them accessed just in case
2 Mr. Amawi asked for them or it also covered my identity as
3 being Islamic extremist.

4 Q. Okay. Now, I want to direct your attention to
5 February 8th, two days later. Did you have occasion two
6 days later to meet with Marwan El-Hindi at his home?

7 A. Yes.

8 Q. And again, can you tell us if you recall what --
9 where that home was located?

10 A. On Mayo Street in Toledo, Ohio.

11 Q. Okay. And I want us to play Exhibit 4-75, 1D7,
12 clip 1A, please.

13 (Audio playing.)

14 Q. You refer to do you see the vest. Can you tell
15 the members of the jury what vest you're referring to?

16 A. The bomb vest video.

17 MR. SOFER: Let's continue.

18 (Audio playing.)

19 Q. Do you know who that unknown child is that's
20 talking about these videos sir?

21 A. Yes, that's Marwan El-Hindi's son.

22 Q. Do you know approximately how old he is at this
23 time in 2005?

24 A. I believe he was about eight years old.

25 (Audio playing.)

1 Q. Okay. Did the conversation on February 8th with
2 Marwan El-Hindi at his home continue?

3 A. Yes, it did.

4 Q. And if we can play clip 2A, please.

5 (Audio playing.)

6 Q. Tell the members of the jury, if you know, what
7 Zubair is being referred to there?

8 A. Zubair Ahmed.

9 Q. Please continue.

10 (Audio playing.)

11 Q. Did this conversation continue, Mr. Griffin?

12 A. Yes, it did.

13 Q. And if we can play clip 3-A, please. By the way,
14 before you start that, to your best recollection, were you
15 aware of that particular website before February 8th, 2005?

16 A. I was not.

17 Q. Continue.

18 (Audio playing.)

19 Q. What's that rustling noise?

20 A. That's me walking.

21 Q. And can you give us an idea where you were
22 walking at that time?

23 A. On Mayo Street in one of the bedrooms. I believe
24 it was the second bedroom on the left.

25 Q. So these first pieces of the conversation that

1 we've heard, do you know approximately where you were
2 inside of Marwan El-Hindi's home?

3 A. Yes, as soon as you come in the door, the living
4 room area.

5 Q. And you were walking to one of the bedrooms?

6 A. Yes.

7 Q. Do you know if there was a computer in there,
8 that is this side of Mayo Street, the home?

9 A. Yes, at least one.

10 Q. Okay. And was there a computer in the bedroom?

11 A. Yes.

12 (Audio playing.)

13 Q. Uthman, do you know who Marwan El-Hindi was
14 referring to at that moment?

15 A. His young son.

16 (Audio playing.)

17 Q. One moment, Judge. If we can put up Government
18 Exhibit Number 61 for identification. Do you recognize
19 government Exhibit Number 61?

20 A. Yes.

21 Q. In the clip that we just heard, the transcript
22 says something about you had printed out some paper, that
23 is Marwan El-Hindi had printed out some paper but he didn't
24 want to keep it. Can you tell us what, if anything,
25 Government Exhibit 61 has to do with that paper that Marwan

1 El-Hindi is referring to?

2 A. That is the Muntada Al-Ansar website that he was
3 talking about.

4 Q. Did he give you that piece of paper on or about
5 February 8th, 2005?

6 A. Yes, he did.

7 THE COURT: I'm sorry, how do you spell that?

8 Q. It's in the transcript, Your Honor. I think it's
9 M-U-N-T-A-D-A.

10 THE COURT: I'm sorry. Start over again.

11 MR. SOFER: M-U-N-TA-D-A, A-L is the second word,
12 M-A-S-A-D-AH.

13 MR. HARTMAN: Mr. Sofer?

14 MR. SOFER: That's approximate.

15 MR. HARTMAN: Do you have a hard copy that's more
16 clear than that?

17 MR. SOFER: I don't know if we do.

18 THE COURT: That's okay.

19 MR. SOFER: Do you have it on your exhibit books?

20 THE COURT: It's been on the transcript. I just
21 didn't hear it. That's fine.

22 BY MR. SOFER:

23 Q. Was there papers that day -- was there a second
24 page of information that he gave you on that day?

25 A. Yes, there was.

1 Q. And if we can put up 61-002, I believe it is.
2 Just trying to see, Judge, if we can get a clearer version.
3 One minute, Judge.

4 MR. BRYAN: Your Honor may we approach?

5 THE COURT: Sure.

6 (A side bar conference was had on the
7 record.)

8 THE COURT: Ladies and gentlemen, if you want to
9 stand up and stretch a bit or whatever, go right ahead.

10 Okay. By the way, I have to adjourn promptly at
11 4:30. I've got a conference call.

12 MR. SOFER: I don't know for the government at
13 least when this particular clip is done the best way is for
14 us to stop in about ten minutes I think, could be a little
15 longer. We're moving quickly so --

16 THE COURT: Okay.

17 MR. BRYAN: Your Honor, I want to place -- yeah,
18 I need to place this on the record. I believe the witness
19 when he testified -- I went back and looked at the realtime
20 transcript. When he was describing the website, he called
21 this the Al-Ansar website, and then when you asked
22 Mr. Sofer to spell the website. Mr. Sofer spelled a
23 different website, a completely different website in his --
24 and in fact, Mr. Griffin testified to Al-Ansar and Mr.
25 Sofer spelled a different website. In essence, Mr. Sofer

1 just testified to the jury. Is there a difference?

2 MR. SOFER: There is a significant difference. I
3 thought I could have sworn he said Muntada Al-Ansar.

4 A. He did.

5 MR. SOFER: Whatever he said. For certain if you
6 want to read it back, that's fine.

7 THE COURT: I'll ask him what website you're
8 referring to.

9 MR. SOFER: That's fine. And again, if I did
10 that, I certainly was not trying to testify to the jury.

11 MR. HARTMAN: Judge, my problem is this is page
12 three of the document that I need to look at before I know
13 if I can properly object. I need to look at the first two
14 pages which I have but it's going to take me a couple
15 minutes.

16 MR. SOFER: No, you don't have it.

17 MR. HARTMAN: I don't have the beginning of this
18 in the Jencks material.

19 MR. SOFER: No, that was never given to
20 Mr. Griffin. The client printed out those two pages.
21 Maybe it was part of a bigger, maybe there was six pages in
22 the original but he gave -- he only gave him two.

23 MR. HARTMAN: That is marked 02.

24 MR. SOFER: Oh, the 302 is different. I thought
25 you were talking about the designations of the pages on the

1 bottom of the document.

2 MR. HARTMAN: The document is part of the 302 and
3 I didn't --

4 MR. SOFER: I'm sorry, I misunderstood your --

5 MR. HARTMAN: Can I just have a couple minutes.

6 THE COURT: If you know what you're talking about
7 because I don't.

8 MR. HARTMAN: It's probably nothing, but I do
9 need to object.

10 MR. SOFER: If you'd like, I'd prefer if I can
11 ask him the question again.

12 THE COURT: Of course.

13 (A side bar conference was had.)

14 MR. HARTMAN: We have to object to this.

15 THE COURT: Forget your sidebar voice.

16 MR. HARTMAN: We have to object to this exhibit
17 for a couple of reasons. Number one, the registered user
18 on this is Bilal. Number two it's dated before the date
19 the government ever claims this meeting happened. We need
20 to find a clean copy of this so we can show that it does
21 say Bilal right here, but the date over here, which we have
22 in the computer.

23 MR. SOFER: It's all explained in the 1D, so if
24 you let us play on and ask the questions.

25 THE COURT: All right. I'll let them connect it

1 up.

2 (Side bar concluded.)

3 MR. SOFER: Is that better? Can everyone see
4 this?

5 JUROR: Yes.

6 BY MR. SOFER:

7 Q. Okay. Mr. Griffin, I think I asked you if you
8 know what this page is, that is depicted in government
9 Exhibit Number 61.

10 A. I believe it is the Muntada Al-Ansar website that
11 we had previously discussed before going into there.

12 Q. Is that the site that he mentioned to you
13 previously on the 1D?

14 A. Yes.

15 Q. Okay. In that case, Your Honor, I guess my
16 spelling was quite a bit off, at least I think this will
17 all be connected up later on.

18 THE COURT: That's fine. Go ahead.

19 Q. And I think I also asked you if there was a
20 second page of information that Marwan El-Hindi gave you on
21 that day.

22 A. Yes.

23 Q. And if we look at page 2 of Government Exhibit
24 Number 61, does that represent the second page of what you
25 received on that day?

1 A. Yes, it is.

2 Q. And I don't know if you can see where I am
3 pointing with my finger or read that, I'm not sure I can
4 unless I can zoom in on it. Can you tell us what's -- what
5 I am pointing to now in the middle of the exhibit?

6 A. The martyrdom operation vest preparation.

7 MR. SOFER: Okay. And Your Honor, the government
8 moves Government Exhibit Number 61 both pages into
9 evidence.

10 MR. HARTMAN: Objection.

11 THE COURT: It will be admitted.

12 MR. SOFER: I'm sorry, Judge.

13 THE COURT: It will be admitted.

14 MR. SOFER: I don't know if The Court would allow
15 us, we could do this the old fashion and long way. I'd
16 like to try to show the jurors this if it's acceptable.

17 THE COURT: Okay.

18 MR. SOFER: I'm going to wait a moment while that
19 makes its way around, Your Honor.

20 THE COURT: Okay.

21 Q. That document's in Arabic, some of it is,
22 correct, Mr. Griffin?

23 A. Yes.

24 Q. Were you able to read then or are you able to
25 read now what's written at the top of the first page?

1 A. I cannot.

2 Q. And okay. We can go back to playing clip 3-A,
3 and again, I'd ask you to move back just a tiny little bit.

4 (Audio playing.)

5 Q. Marwan El-Hindi is saying he didn't want the
6 paper, didn't want the print in there. Was he referring to
7 Government's Exhibit 61 too?

8 A. Yes.

9 (Audio playing.)

10 Q. What, if you recall, were you referring to there?

11 A. On the first page of the last two pages that were
12 passed around, on the right-hand corner, there was a name
13 Bilal.

14 Q. And so what did you mean by this?

15 A. He was laughing and he said, look who did this.
16 And we laughed because it was Bilal.

17 MR. HARTMAN: Objection.

18 THE COURT: I mean, what's the basis for his
19 knowing -- the question is who Bilal is? What's the
20 question?

21 MR. SOFER: I think if he could finish answering
22 the question.

23 THE COURT: I'll let him answer and --

24 A. We laughed because it clearly was not me, that he
25 used Bilal which is my Arabic name.

1 Q. Let's continue.

2 THE COURT: Answer may stand.

3 (Audio playing.)

4 THE COURT: About how much longer?

5 MR. SOFER: A little bit. All I'd ask, we be
6 permitted a little bit tomorrow so we can put this into
7 perspective.

8 THE COURT: Okay. Ladies and gentlemen, we'll
9 adjourn and tomorrow we'll start at 8:30. I think we'll
10 probably try to have a fairly short lunch break because I
11 will be adjourning at 3:00. Thank you for your patience
12 and attention and have a safe trip home. See you in the
13 morning.

14 MR. SOFER: Judge, for the record, we stopped
15 this at 5525.

16 THE COURT: Okay. You can be seated.

17 MR. SOFER: Should we have Mr. Griffin step out
18 Judge?

19 THE COURT: This is just FYI. I've forgotten on
20 the realtime how to take notes, make notes and so forth.
21 I've asked Tracy, the other court reporter, to show me if
22 you want to stick around a half hour or so. I mean,
23 there's some neat things you can do that are pretty simple.
24 Some of you may know how to do them already, but annotate
25 text, and so she's going to be up probably around 5:00, 15

1 minutes. It's up to you guys.

2 MR. HARTMAN: We may do that.

3 THE COURT: I just wanted to let you know.

4 MR. BOSS: When are you going to do that?

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1 C E R T I F I C A T E

2
3 I certify that the foregoing is a correct transcript
4 from the record of proceedings in the above-entitled matter.

5
6 s:/ Angela Nixon

7 ----- Date
8 Angela D. Nixon, RPR, CRR

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I N D E X

Testimony of Darren Griffin continued